In the High Court of Judicature at Madras

Dated:21.09.2006

Coram:

The Hon'ble Mr. Justice P. SATHASIVAM
and
The Hon'ble Mr. Justice S. TAMILVANAN

Habeas Corpus Petition No.937 of 2006

S. Nazeer Ahamed .. Petitioner

vs.

1. The Director General of Police
   Office of the Director General
   of Police, Santhome High Road
   Chennai 600 004.

2. The Commissioner of Police
   Office of the Commissioner of
   Police, Egmore, Chennai 60 008.

3. The Inspector of Police
   J8, Neelankarai police Station
   Neelankarai, Chennai 600 041.

4. M.M. Abdul Gaffur

5. Mrs. Naseem .. Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of writ of habeas corpus as stated therein.

For petitioner : Mr. K.M.Md. Shaik Dawood
For respondents 1 to 3 : Mr. M. Babu Muthu Meeran
Addl. Public Prosecutor

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ORDER

(Order of the Court was made by P. SATHASIVAM,J.)

The petitioner by name Nazeer Ahamed has filed this petition seeking to issue a writ of habeas corpus for production of Mrs. Hibbathul Fathima, so that she could be set at liberty by this Court paving the way for the reunion of the petitioner and the said Hibbathul Fathima.

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2. The document filed along with the typed set of papers, viz., letter dated 07.09.2006 from the detenue Hibbathul Fathima, wife of the petitioner, addressed to the petitioner clearly shows that she pronounced Khula against the petitioner in the presence of two witnesses. In the same letter she declared that she had released herself from the matrimonial bondage with the petitioner and relinquished all her rights. The letter further shows that the petitioner is at liberty to marry any girl of his choice and thus the marriage solemnised between the petitioner and the detenue stands dissolved with effect from the day of pronouncing Khula. In such circumstances, though the learned counsel for the petitioner sent a telegram dated 14.09.2006 to the Director General of Police, Chennai-4, complaining that respondents 4 and 5, parents of the detenue, detaining her illegally, we are of the view that the same cannot be gone into either by the police or by this Court exercising jurisdiction under Article 226 of the Constitution of India. If the petitioner has any grievance with regard to the communication of the detenue dated 07.09.2006, it is for him to approach the appropriate Court to vindicate his grievance.

With the above observation, this petition is dismissed.

Sd/
Asst.Registrar

/true copy/

Sub Asst.Registrar

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To

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   of Police, Santhome High Road
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4. The Public Prosecutor,
   High Court, Madras.

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BV(CO)
RVL 04.10.2006

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